

Regular Meeting  
Thursday, May 28, 2015

Springview Government Center  
3130 E. Main Street  
Springfield, Ohio 45505

Mr. Tim Greenwood, Chairperson of the Board of Zoning Appeals, calls the meeting to order at 2:00 p.m.

Present: Mr. Tim Greenwood, Mr. Don Wallace, Mr. Rick Smith, Mr. Kyle Powell,  
Mr. Jack Spurlock and Mr. Dave Minard

Absent: None

Also Present: Mr. Allan Neimayer, Clark County Community Development, and other interested persons.

Chairperson Greenwood asks if there are any comments regarding the April 23, 2015 minutes. Hearing none he asks for a motion.

**BZA: 05-07-2015: Minutes ~ April 23, 2015**

Motion by Mr. Powell, seconded by Mr. Smith, to **Approve** the minutes as presented.

**VOTE: Yes: Mr. Powell, Mr. Smith, Mr. Minard, Mr. Spurlock and Mr. Wallace**

**No: None**

***Motion carries.***

Chairperson Greenwood explains how the meeting will be held. Everyone will need to sign in that will be speaking. Staff will present the report and the Board will ask questions to Staff. The proponents will be able to speak followed by the opponents. Everyone will be sworn in before they speak. Rebuttal by the Applicant will follow, if desired.

Chairperson Greenwood asks the Board if anyone needs to Abstain. Hearing none, he asks the Staff to present the case.

**BZA-2015-04: Variance Case ~ Property Owners/Applicants: Joseph & Brenda Hobbs ~ Mad River Township ~ Located at 1925 S. Tecumseh Road**

Mr. Neimayer stated that the subject property is located at 1925 S. Tecumseh Road in Mad River Township. The property is zoned A-1 (Agricultural District). The Applicants are requesting a variance to Chapter 8, Section B, 2, e) to allow a 12 ft. by 24 ft. in-ground swimming pool in the front yard. That section of the regulations requires swimming pools to be in the rear yard. The Applicants would like to install the swimming pool in front of the house on the south side of the drive as indicated on their submitted drawing.

Mr. Neimayer also stated that according to Combined Health District records, the septic and leach field are located in front (east) of the house. The proposed location of the swimming pool would

not interfere with the existing leach field or the future reserve leach field area. The Health District has given their approval for this location.

Mr. Neimayer stated that he received a letter from Dean Fenton with the County Engineers' Office. His concern was the proximity of the pool to the adjacent property in the front yard and perhaps another location could be considered. No further responses or letters have been received concerning this case.

Mr. Neimayer stated that he would answer any questions from the Board at this time.

Mr. Wallace asked Mr. Neimayer to review for the Board where the septic is located.

Mr. Neimayer pointed out the septic tank area and the leech field and the location of the well to the Board on an aerial view.

Mr. Wallace asked if the Health Department was ok with it.

Mr. Neimayer stated that they were.

Mr. Spurlock asked how far back the pool will be from the right-of-way.

Mr. Neimayer pulled up the GIS map and showed the Board that the pool will be approximately 400 feet from the centerline of S. Tecumseh Road.

Chairperson Greenwood asked if there was a wooded area in the front as well.

Mr. Neimayer stated that is correct.

Chairperson Greenwood asked if there were any further questions for Staff.

Mr. Wallace asked if there were any objections by neighbors.

Mr. Neimayer stated that notices were sent out and have not received any response.

Chairperson Greenwood asked if there were any further questions. There were none.

Chairperson Greenwood opens this portion of the public hearing at 2:06 pm. and asked if anyone would like to speak in favor of the case.

Mr. Joseph Hobbs, whose address is 1925 S. Tecumseh Road, showed photos to the Board of the location of the leech bed and also a contract with Overhead Door to install a fence around the pool. The fence will be a rod iron fence 6 feet tall.

Chairperson Greenwood asked Mr. Hobbs if he had spoken to his neighbors concerning the fence.

Mr. Hobbs stated that he had and that they had no issues with it.

Chairperson Greenwood asked if there were any questions for Mr. Hobbs. Hearing none he asked if anyone else would like to speak concerning the case.

Mrs. Brenda Hobbs, whose address is 1925 S. Tecumseh Road, stated that the pool is being built for her son who is almost ten years old and has Cerebral Palsy. He is getting physically hard to carry around. The pool is heated and five feet deep in the deep end and there is no diving board. The purpose of the pool is to do therapy with their son. A hot tub is not an option due to some of the internal devices that he has in his system.

Chairperson Greenwood asked if there were any questions.

Chairperson Greenwood asked if there was anyone else that would like to speak in favor. There were none.

Chairperson Greenwood asked if there was anyone that would like to speak in opposition. Hearing none he closed this portion of the public hearing at 2:11 pm.

Chairperson Greenwood asked if there were any further questions or comments from the Board.

Hearing none, he asked for a motion.

**BZA: 05-08-2015: BZA-2015-04 ~ Variance Case ~ Property Owners/Applicants: Joseph & Brenda Hobbs ~ Mad River Township ~ Located at 1925 S. Tecumseh Road**

Motion by Mr. Spurlock, seconded by Mr. Wallace, to **Approve** the Variance as presented.

**VOTE: Yes: Mr. Spurlock, Mr. Wallace, Mr. Smith and Mr. Powell**

**No: None**

***Motion carries.***

**BZA-2015-03: Variance Case ~ Property Owners/Applicants: Peter & Elizabeth Martin ~ Agent: Mark Wilson ~ Madison Township ~ Located at 9219 Columbus-Xenia Road**

Mr. Neimayer stated that the subject property is located at 9219 Columbus-Xenia Road in Madison Township. The property is zoned A-1 (Agricultural District). The Applicants are requesting a variance to Chapter 2, Section A to reduce the minimum lot width from 150 ft. to 50 ft. to split out the existing house site and maintain farm land. That section of the zoning regulations requires a minimum lot width of 150 ft. The Applicants would like to split off the existing house site and keep as much farm land under the same parcel respectively. The house sits 4,700-plus feet from the centerline of Columbus-Xenia Road.

Mr. Neimayer also stated that he Applicants property consists of seven parcels. Pending approval of this variance request, those seven parcels will be reconfigured into 4 parcels. The County Engineers office has no objections.

Mr. Neimayer stated that he would answer any questions from the Board at this time.

Mr. Powell asked if this procedure is pretty typical.

Mr. Neimayer stated that it is typical when family members are trying to sell off land at times due to estate planning. There are situations where the house site sits far back on the property and the goal is to try to keep the farm land separate to sell it off.

Mr. Spurlock asked if it was correct that the lot lines were not set in stone.

Mr. Neimayer stated that one line follows a streamline. Within the lotsplit all of those lines will be defined. The goal is to preserve farmland and that is one of our land use goals.

Chairperson Greenwood asked if there were any further questions. There were none.

Chairperson Greenwood opens this portion of the public hearing at 2:20 pm. and asked if anyone would like to speak in favor of the case.

Mr. Mark Wilson, whose address is 652 N High Street, Hillsboro, OH, stated that property in question is large, approximately 490 acres. The property is scheduled to be auctioned in June. The goal is to make some smaller parcels out of this following the natural lines. From Columbus-Xenia Road the house sits back approximately 4,500 feet and sits on approximately 292 acres. Until June 11<sup>th</sup>, there is no way to know the manner in which this property is going to sell. It could sell as one parcel. But there is the possibility that it could sell in four separate parcels and that is what brings this case to the Board for approval. There would also be an easement for the property in the rear. Mr. Wilson stated that this is for Agricultural purposes only and is in no way a development plan.

Mr. Wallace asked what the access points would be to the other parcels if a subdivision plan would be put in place.

Mr. Wilson explains the frontage for each of the four parcels.

Mr. Neimayer clarified that the yellow lines on the slide indicate the potential lot lines after being reconfigured. Every lot will have frontage on a public roadway, unless the buyer has other wishes.

Mr. Spurlock asked if as far as the auctions if the parcels would be sold separate or if they would be sold all together.

Mr. Wilson stated that they have a system where a buyer can buy a single parcel or any combination or all parcels together.

Chairperson Greenwood asked if there were any more questions for Mr. Wilson. There were none.

Chairperson Greenwood asked if there was anyone else that would like to speak in favor. There were none.

Chairperson Greenwood asked if there was anyone that would like to speak in opposition. Hearing none he closed this portion of the public hearing at 2:32 pm.

Chairperson Greenwood asked if there were any further questions or comments from the Board.

Chairperson Greenwood asked if there were any further questions for Staff from the Board. There were none. He asked for a motion.

**BZA: 05-09-2015: BZA-2015-03 ~ Variance Case ~ Property Owners/Applicants: Peter & Elizabeth Martin ~ Agent: Mark Wilson ~ Madison Township ~ Located at 9219 Columbus-Xenia Road**

Motion by Mr. Smith, seconded by Mr. Powell, to **Approve** the Variance as presented.

**VOTE: Yes: Mr. Smith, Mr. Powell, Mr. Spurlock and Mr. Wallace**

**No: None**

***Motion carries.***

### **STAFF COMMENTS**

Mr. Neimayer stated the next scheduled meeting will be June 25, 2015.

### **ADJOURNMENT**

Chairperson Greenwood asks for a motion for adjournment.

**BZA: 05-10-2015 ~ Adjournment**

Motion by Mr. Spurlock, seconded by Mr. Powell, to adjourn the meeting.

***VOTE: Motion carries unanimously.***

The meeting was adjourned at 2:54 pm.

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Tim Greenwood, Chairperson